

**CIVIL COVER SHEET**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

CENTER FOR BIOLOGICAL DIVERSITY; SAN FRANCISCO BAYKEEPER

**(b) County of Residence of First Listed Plaintiff** Pima, Arizona  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jennifer L. Loda; Center for Biological Diversity; 1212 Broadway,  
Ste. 800, Oakland, CA 94612-1810; (510) 844-7136

## DEFENDANTS

DAVID BERNHARDT, Secretary of the Interior; MARGARET EVERSON,  
Acting Director, U.S Fish and Wildlife Service

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

1 U.S. Government Plaintiff 3 Federal Question  
(U.S. Government Not a Party)

**X2** U.S. Government Defendant **4** Diversity  
(Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated <i>or</i> Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated <i>and</i> Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act	
120 Marine			690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))	
130 Miller Act						
140 Negotiable Instrument						
150 Recovery of Overpayment Of Veteran's Benefits						
151 Medicare Act						
152 Recovery of Defaulted Student Loans (Excludes Veterans)						
153 Recovery of Overpayment of Veteran's Benefits						
160 Stockholders' Suits						
190 Other Contract						
195 Contract Product Liability	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	462 Naturalization Application	<b>PROPERTY RIGHTS</b>	400 State Reapportionment	
196 Franchise			465 Other Immigration Actions		820 Copyrights	410 Antitrust
					830 Patent	430 Banks and Banking
					835 Patent—Abbreviated New Drug Application	450 Commerce
					840 Trademark	460 Deportation

**V. ORIGIN** (Place an "X" in One Box Only)

1	2	3	4	5	6	7	8
X 1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from Another District ( <i>specify</i> )	6 Multidistrict Litigation—Transfer	7	8 Multidistrict Litigation—Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:

ESA 16 U.S.C. §§ 1531-1544; APA 5 U.S.C. §§ 701-706

Brief description of cause:

## Defendants' refusal to provide ESA protections for eight species

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S),  
IF ANY** (See instructions)

JUDGE

DOCKET NUMBER

## IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

× **SAN FRANCISCO/OAKLAND**

**SAN JOSE**

## EUREKA-MCKINLEYVILLE

DATE 05/23/2019

**SIGNATURE OF ATTORNEY OF RECORD**

s/ Jennifer L. Loda

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\*Seeking admission *pro hac vice*